

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RICARDO SANTIAGO, VAUGHN
FREDERICK, on their own behalf and on
behalf of those similarly situated,

Plaintiffs,

v.

TOTAL LIFE CHANGES LLC and “JOHN
DOES 1-5”, fictitious name used to identify
presently unknown entities,

Defendants.

Civil Action No: 20-18581(SDW)(LDW)

ORDER

July 7, 2022

WIGENTON, District Judge.

This matter, having come before this Court on Defendant Total Life Changes, LLC’s (“Defendant”) Partial Motion to Dismiss certain counts of Plaintiffs Ricardo Santiago (“Santiago”) and Vaughn Frederick’s (“Frederick”) Second Amended Complaint (“SAC”), (D.E. 42), pursuant to Federal Rules of Civil Procedure (“Rule”) 12(b)(1) and (6) and 9, and Motion to Strike the class allegations from the SAC, pursuant to Rules 12(f) and 23, and this Court having considered the parties’ submissions, for the reasons stated in this Court’s Opinion dated July 7, 2022,

IT IS on this 7th day of July, 2022

ORDERED that Defendant’s Partial Motion to Dismiss certain counts of the SAC and Motion to Strike the class allegations, (D.E. 44), is **GRANTED in part and DENIED in part** as follows:

- 1) Defendant's motion is **GRANTED with prejudice** on all Counts as to Santiago;
- 2) Defendant's motion is **GRANTED with prejudice** on Counts Three and Four as to Frederick;
- 3) Frederick's MMWA claim, (Count One), and breach of express warranty claim, (Count Two), may proceed; and
- 4) Defendant's Motion to Strike the class allegations is **DENIED**.

SO ORDERED.

/s/ Susan D. Wigenton
SUSAN D. WIGENTON, U.S.D.J.

Orig: Clerk
Leda D. Wettre, U.S.M.J.
Parties